



DA/C
#1 Petition

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: M. Elkis

Serial No.: 09/708,156

Filed: 8 November 2000

) Art Unit: 2854

) Examiner: E.H. Eickholt

) Atty. Docket: Ward 00-100

ATTENTION: OFFICE OF PETITIONS

) I hereby certify that this
) correspondence is being deposited with
) the United States Postal Service as
) Express Mail in an envelope addressed
) to: Assistant Commissioner for
) Patents, Washington, D.C. 20231
) on 10 JUNE 2003

) R. B. SHERER

) R. B. Sherer
) 10 June 03

**PETITION TO REVIVE APPLICATION ABANDONED
BY U.S. MAIL OR PATENT OFFICE ERROR**

Applicant hereby Petitions for the revival of the subject
Application which became abandoned due to error by the U.S.
Mail or by the U.S. Patent and Trademark Office

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The facts are:

OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

1. In response to a Restriction Requirement dated 12
September 2002, Applicant duly filed a complete Response by
First Class Mail on 20 September 2002.

2. Copies of the Amendment, the Transmittal Letter and
the Return Postcard as mailed are attached. Counsel's file
does not include the Postcard as having been returned. This
clearly indicates that either the U.S. Mails failed to deliver

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130.00 GP

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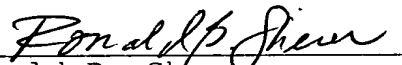
the Amendment, or that it became lost in the P.T.O. Mail System.

3. As further proof of filing the Amendment, a copy of Counsel's Invoice for the subject Amendment, also dated 20 September, is attached. The Invoice would never have been prepared and sent to the Client if the Amendment had not been prepared. (The amounts have been deleted since it will become part of the file available to the Public.)

A Petition Fee of \$130.00 is enclosed. However, it is earnestly submitted that no Fee FOR REVIVAL, either Unavoidably or Unintentionally, is due under the above circumstances. That is, Applicant did not cause the Abandonment, but rather, took all proper actions to respond in timely fashion to the Office Action.

Revival of the subject Application is requested as being clearly in order under the above-stated facts.

Respectfully submitted,


Ronald B. Sherer
Counsel for Applicant
Registration No. 19,977

Enclosure:

Check #3165 for \$130.00

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